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## **Act 219 is Pro-Business: Democrats Lie When Saying Bill is Anti-Woman**

**Madison:** Having been in politics for nineteen years, I often hear misleading statements. But, seldom have I heard such a brazen lie as to call Act 219 an anti-woman bill.

I authored this bill with Rep. Michelle Litjens (R-Oshkosh). It brings employment discrimination law in Wisconsin back to what it was in 2009 before Jim Doyle and the Democrats passed the deceptively labeled “Equal Pay Enforcement Act.”

Before 2009, as it is today, discrimination in the state of Wisconsin on the basis of age, race, sex, religion, criminal record, military service, sexual orientation, or a variety of other classes is illegal. If you file a complaint with the state and win for being fired or being underpaid, you can be awarded back pay, reinstatement, or additional wages as well as attorney’s fees. Roughly twelve percent of the claims are for sex discrimination with disability, age, and race discrimination claims much more common. I am told most claims are filed when people are fired – not for pay inequality.

In 2009, Jim Doyle signed a bill which could have forced businesses to pay much more. After the state assesses damages, a jury could then also assess a business up to \$300,000 in punitive damages depending on the size of the business.

Prior to 2009, businesses already considered the anti-discrimination laws a problem. Even in the most frivolous cases, businesses may incur legal fees. Their management may need to spend time fighting lawsuits, rather than managing the company. There also is always the fear that even if they are innocent, an administrative law judge will find them guilty. While they don’t advertise this, I have been told that some Wisconsin businesses will automatically give claimants \$5,000 - \$10,000 if they file a discrimination case just to avoid the time and legal fees.

The 2009 law was potentially much more expensive for business. Under this law business could have to pay lawyers on both sides for a jury trial with an anti-business jury giving up to \$300,000 in punitive damages. No punitive damages are allowed in Michigan or Iowa and they are capped at \$25,000 in Minnesota.

It is no wonder the Wisconsin manufacturers, insurance industry, hospitals, grocers, builders, restaurant industry and the largest small business association in the state wanted the bill I authored passed. Wisconsin could no longer afford to have one of the most extreme anti-business discrimination laws in the country.

Probably less than one-eighth of the claims affected by the bill are filed by women claiming sex discrimination and anecdotally most of these claims are for employees who are fired – not employees who are underpaid. It is therefore strange that the bill's opponents are saying this is about women not being paid what men are paid. The hard left is claiming we have a crisis because “studies” show women make 75% – 80% of what men make. This is another highly misleading statement.

In fact, the *Wall Street Journal* reported last year that single women under the age of 30 earn 8% more than men. The “wage gap” occurred primarily because of married couples in which the man is the primary breadwinner and the woman has taken time out to raise children or working fewer hours than the man.

We all know couples who arrange their life in this way. That is fine if mothers prefer to take time off for their families and young children. Some angry feminists may hate these sorts of married couples, but as long as they exist, “studies” will show men make more than women. This targeting of traditional families is unfortunate and this attempted spin should be obvious.

It is important to improve Wisconsin's business climate and not have businesses in worse shape than other states. While the new law may not benefit trial lawyers, it is one more step in improving Wisconsin's business ranking and environment.